

City of High Point

*Municipal Office Building
211 South Hamilton Street
High Point, NC 27261*



Minutes

Monday, May 15, 2017

5:30 PM

Council Chambers

City Council

*William S. Bencini, Jr., Mayor
Jay W. Wagner, Mayor Pro Tem
Latimer B. Alexander, IV., Cynthia Y. Davis
James C. Davis, Jason P. Ewing,
Jeffrey J. Golden, Alyce E. Hill,
Christopher Williams*

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Mayor Bencini called the meeting to order, which was followed by a Moment of Silence.

Upon call of the roll, the following Council Members were present:

Present:

Mayor William S. Bencini, Jr., Mayor Pro Tem Jay Wagner (Ward 4); and Council Members Cynthia Y. Davis (At-Large), Latimer Alexander (At-Large), Jeffrey Golden (Ward 1), Christopher Williams (Ward 2), Alyce Hill (Ward 3), James C. Davis (Ward 5), and Jason Ewing (Ward 6).

RECOGNITIONS AND PRESENTATIONS[170144](#)**Proclamation - Public Works Week**

Mayor Bencini will present a proclamation to Keith Pugh, Director of Engineering Services, proclaiming the week of May 21-27, 2017 as "Public Works Week."

Mayor Bencini read the proclamation into the record proclaiming the week of May 21 - 27, 2017 as "Public Works Week" and presented it to Keith Pugh, Director of Engineering Services.

Mr. Pugh shared some comments and shared some of the activities that would be taking place in High Point in commemoration of "Public Works Week."

[applause]

[170145](#)**Recognition of Historic Preservation Commission Members**

The Planning and Development Department will be presenting plaques in appreciation of service to the following members: William "Hollis" Anderson, Benjamin Briggs, Glenn Chavis and Peter Freeman.

Bob Robbins with Planning and Development recognized these individuals on behalf of the City and the Planning and Development Department. He then presented a plaque to each as a small token of appreciation of their efforts and service to the City in this capacity. Mr. Glenn Chavis was recognized for his 4-years of service to the Historic Preservation Commission. Peter Freeman was recognized for ten years of total service to the Historic Preservation Commission.

Although Hollis Anderson and Benjamin Briggs were not present to accept the plaque, they were recognized as well. Mr. Anderson was recognized for three years of service and Benjamin Briggs was recognized for 7 total years of service.

[applause]

[170162](#)

Recognition - Roy Culler - Senior Center Bus

Mayor Bencini and members of City Council will recognize Mr. Roy B. Culler, Jr. for his contribution to purchase a new bus for the Roy B. Culler, Jr. Senior Center.

Mayor Bencini recognized Roy Culler, a former mayor and council member, who was present with his wife, Dot. They made a donation and funded half the cost of the new bus for the Senior Center. Mayor Bencini thanked Mr. Culler not only for his generosity, but for the decades of service and direction given to the city.

Mr. Culler thanked Council for allowing him to be part of this and noted the real recognition belongs to Calvin Vaughn, who helped to make the Senior Center such a great success.

[applause]

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Council Member J. Davis, Chair

Committee Members: J. Davis, C. Davis, Hill and Alexander

[170146](#)

Public Hearing - EDC Incentives

Monday May 15, 2017 at 5:30 is the date and time established to receive public comments on a funding request for performance-based incentives for a company's expansion project at 1509 Bethel Drive and another south High Point location; and authorize the City Manager to execute all documents.

Sandy Dunbeck, Executive Vice President of the High Point Economic Development Corporation, reported that she and Loren Hill, President of the High Point Economic Development Corporation, were pleased to bring Council a proposed manufacturing project for Precision Design Machinery in South High Point. High Point is being considered along with other locations in Gastonia and Bessemer City, North Carolina. Precision Design Machinery currently has operations in High Point at 1509 Bethel Drive with ten employees currently. The location under consideration for its expansion is 1410 Danmar Avenue off of West Green Drive. Present at tonight's meeting are Chad Butler, President of Precision Design Machinery along with Joseph White, Vice President.

If the company picks High Point for this project, 40 full time jobs would be added over the next five years with an average wage of approximately \$31,200. They are asking the City Council to consider authorizing up to \$32,000 in performance-based financial incentives for the project, which would

be subject to the company meeting benchmarks spelled out in the performance agreement and would be paid post performance after the employees have been hired. Ms. Dunbeck advised that the company understands that if the performance-based incentives are authorized by the City Council, it should participate in a job fair in Central High Point to help with the city's goal to employ as many High Pointers as possible. Also working on the job fair would be the Guilford County Workforce Development Board and the local NC Works Career Center on Idol Street.

Following tonight's public hearing, it is anticipated that the company will make its decision in the second quarter of 2017. At the conclusion of Ms. Dunbeck's presentation, she turned the floor over to Chad Butler, President of Precision Design Machinery.

Mr. Butler stated they love High Point and love where they are currently located and would like to stay. They special design machinery for the corrugated industry and they have done a lot of special design machinery for other companies as well. One of the most recent design was a machine for digital printing. Mr. Butler felt there are several opportunities for machines and expansion in High Point. He then shared some pictures of some of the machines they have designed with Council. He mentioned their company actually owns the patent for another machine that has unlimited potential. they have the United States Patent , have filed in Europe and just got approved in Canada. The machine would allow drivers of cars to gas up with bluetooth technology without getting out of the car. Mr. Butler also distributed some flash drives containing a video of the patent of this machine and some brochures of other machinery they currently design in High Point. Following his presentation, Mr. Butler thanked Council for considering incentives to help Precision Design Machinery expand in High Point at an additional location.

At this time, Chairman J. Davis opened the public hearing and asked if there was anyone present who would like to speak in favor of or in opposition to this request.

Glenn Chavis, 137 Orville Drive, expressed concerns about using taxpayer money to support companies that do not do a good job of hiring and promoting women and minority-owned businesses. He admitted that he is not familiar with Precision Design Machinery, but did think the public should be entitled to know about the diversity of this company or any other company when it comes to tax dollars. He mentioned years ago, the Council approved a lot of tax breaks and incentives to Thomas Built Buses, which were made based on promises, stipulations, goals that they had to meet regarding women and minorities within their organization, but he has never read or heard whether or not they met their goals or if there were any penalties involved if they did not. He then posed the following questions:

1. Are there still diversity goals in terms that companies have to meet and

comply with?

2. How often are the companies reviewed to determine if they are in compliance?

3. Are there any penalties involved in terms of payback if the company is found to be non-compliant?

Mr. Chavis felt if companies are not hiring women and minorities, it causes the financial gap to continue growing with the unemployment rates, which leads to crime.

Chairman J. Davis asked if there was anyone else present who would like to comment regarding this request. There being none, he closed the public hearing and opened up the floor for discussion by Council.

Council Member J. Davis MOVED APPROVAL of up to \$32,000 in performance-based incentives for Precision Design Machiner and to AUTHORIZE the city manager to execute the performance agreement with the company containing benchmarks for the company to achieve and schedule for payment of such financial incentives. Council Member Ewing made a SECOND.

For further discussion, Council Member C. Davis asked Mr. Butler if he could please address Mr. Chavis' questions. Mr. Butler advised that they currently have ten employees; one of them being himself, his business partner, his wife, and a minority who was hired within the last six months. He went on to say that the recently hired employee has great work ethic and is one of the best employees he has ever had to work for him.

Council Member C. Davis then posed the following questions to Mr. Butler.

1. Will you own or lease the building at the new location?

Mr. Butler replied that they would own the building.

2. In regards to the hiring, will they be straight hires, or will you go through a temp agency and do temp to hire?

Mr. Butler responded they would straight hire the employees.

There being no additional questions/comments, Mayor Bencini called for a vote on the motion to APPROVE up to \$32,000 in performance-based incentives for Precision Design Machiner and to AUTHORIZE the city manager to execute the performance agreement with the company containing benchmarks for the company to achieve and schedule for payment of such financial incentives.

The motion carried by a 9-0 UNANIMOUS VOTE.

A motion was made by Council Member J. Davis, seconded by Council Member Alexander, that this matter be approved. The motion carried by the following 9-0 vote:

[170147](#)

Public Hearing - 2017-2018 City of High Point Annual Budget

Monday, May 15, 2017 at 5:30 p.m. is the date and time established to receive public comments on the proposed 2017-2018 City of High Point Annual Budget.

Prior to the public hearing on the proposed FY 2017-2018 Budget, Eric Olmedo, Budget and Administrative Director, provided a brief presentation on the city manager's proposed FY 2017-2018 Budget prior to the public hearing. He advised that the city manager developed the proposed budget maintaining policy goals, maintaining current service levels, continuing to address the three strategic plans that the City Council adopted last year (i.e. Millennial Initiative, the 100% proactive enforcement of Code Enforcement Initiative, and the Downtown Catalyst Project Initiative). The proposed budget totals \$377.5 million, which represents a 0.6% increase over the current year's adopted budget.

The following positions are included in the proposed budget:

8 additional Police Officers

1 Crime Analyst

Upgrades one police officer position to a police supervisor

2 additional facility maintenance technicians

Upgrades 2 existing positions to address deferred maintenance issues at facilities

1 additional accountants position

5 Apprentice positions in Public Services

The proposed budget also includes a Pay-for-Performance program.

Other major investments are:

Continued investment in the Core City Redevelopment Programs

Continued support for Forward High Point, Inc.

Increases the annual street resurfacing funds to \$2.45 million

Continues the support of the Guilford County Economic Development Alliance

Apparatus Replacement- Fire Department

Fire Department Station Alerting System Upgrade

Replaces \$4.15 million in Fleet on a Pay-As-You-Go funding basis

The proposed budget was prepared using a tax rate of 64.75 cents, which is not a change from the current year's budget. The Revenue Neutral tax rate as calculated by state law would have it at 62.21 cents. A penny on the tax rate generates approximately \$947,000.

Mr. Olemdo advised the only other major revenue change is a proposed 3%

water/sewer rate increase that would be effective October 1, 2017, which continues the long range financial strategy that has been in place as developed by Davenport & Company for a number of years.

After tonight's public hearing and discussion, Mr. Olmedo advised that a budget work session is scheduled for Wednesday, May 17th (if needed) as well as a budget work session on Thursday, May 28th (if needed). Adoption of the proposed budget will be considered on the June 5, 2017 Agenda.

At the conclusion of Mr. Olmedo's remarks, Chairman J. Davis asked if there were any questions for staff. There being none, he opened the public hearing and asked if there was anyone present who would like to speak in favor of or in opposition to the proposed budget.

Jody Bitzenhofer, a High Point resident at 1307 Kentucky Street, addressed Council in support of the inclusion of the \$125,000 funding in the proposed budget for the Hedgecock Dog Park. Ms. Bitzenhofer currently sits on the FIDO Parks of High Point, which is a volunteer board and is the friends initiative for dogs off leash. She stressed that the dog park is more than just having a safe place for dogs to exercise and play off leash, it is more about the sense of building a stronger community and building relationships while promoting happy, healthy dogs. She thanked Council again for including the Hedgecock Dog Park in the proposed budget.

Also speaking in favor of the inclusion of the funding for the Hedgecock Dog Park in the proposed budget was Mary McInerney, who resides at 3118 Log Cabin Cove in High Point. She, too, thanked Council to including funding in the proposed budget for the Hedgecock Dog Park. She noted that FIDO Parks of High Point has already raised some money for the dog park and offered assurances that they would continue to be responsible for that money and would work with the city and the donors to ensure that the money is properly taken care of. She reiterated that it is not just about dogs running around chasing a ball, but rather about people coming together as a community to develop relationships as a community and an effort to help build the City of High Point.

Chairman J. Davis asked if there was anyone else present who would like to speak or offer comment regarding the proposed budget. There being none, the public hearing was closed.

acknowledge public hearing held

170148

Contract - Stone Supplier

Council is requested to award a contract to Martin Marietta, Inc. to supply stone to city crews when performing maintenance functions that require different types of stone.

Terry Houk, Director of Public Services, reported that the city requires stone for various projects. The stone was bid out citywide due to the use by several departments. Two bids were received when it was bid out in April with Martin Marietta being the low bid. Staff is requesting award of the contract in the amount of \$100,000 to Martin Marietta.

Approved contract with Martin Marietta, Inc. to supply stone to city crews when performing maintenance functions requiring different types of stone.

A motion was made by Council Member Davis, seconded by Mayor Pro Tem Wagner, that the contract with Martin Marietta, Inc. be approved. The motion carried by the following 9-0 vote:

170149

Contract - Asplundh Tree Expert Company -FY 2017-2018

Council is requested to continue the existing contract with Asplundh Tree Expert Company in the estimated amount of \$600,000 to provide line clearance tree services (tree trimming) for the FY 2017-2018.

Randy McCaslin, Deputy City Manager, explained that in July the City Council approved High Point's participation in ElectriCities joint purchasing bidding process. One of the services they bid out is for tree trimming. ElectriCities bid the service out and received two bids with Asplundh Tree Expert Company being the low bid meeting specifications.

Approved the extended contract with Asplundh Tree Expert Company in the estimated amount of \$600,000 to provide line clearance tree services (tree trimming) for the FY 2017-2018.

A motion was made by Council Member Davis, seconded by Council Member Alexander, that the contract with Asplundh Tree Expert Company for FY 2017-2018 be approved. The motion carried by the following 9-0 vote:

170150

Contract - Courtesy Road Improvements

Council is requested to award a contract to ASJ Wilson Construction, LLC in the amount of \$454,269.39 for the construction of Courtesy Road improvements which include new sidewalk, new driveways, new/repared curb and gutter, street resurfacing, new crosswalks and pavement markings. This project is being done in partnership with Thomas Built Bus.

Keith Pugh, Director of Engineering Services, advised this is a contract for improvements to Courtesy Road in front of Thomas Built Bus for safety and aesthetic related improvements. This project will rebuild the driveways at Thomas Built Bus and will replace sidewalks that are either in a state of disrepair or do not currently exist. Thomas Built Bus had originally agreed to come up with \$400,000 for the construction of this project, but due to negotiations through the city manager's office, they have now agreed to pay for the entire project, which is estimated to be \$454,270.

Mr. Pugh explained this is the second time this project was bid out because a sufficient number of bids were not received the first time. As a result, the bids

were readvertised and accepted with ASJ Wilson Construction out of Greensboro being the low bidder.

Approved contract with ASJ Wilson Construction Company, LLC in the amount of \$454,269.39 for the construction of Courtesy Road improvements which include new sidewalk, new driveways, new/repared curb and gutter, street resurfacing, new crosswalks and pavement markings.

A motion was made by Council Member J. Davis, seconded by Council Member C. Davis, that the contract with ASJ Wilson Construction Company be approved. The motion carried by the following 9-0 vote:

170151

Budget Ordinance Amendment/MOU - Courtesy Road Improvements

Council is requested to adopt an ordinance amending the 2016-2017 Annual Budget to appropriate fund in the amount of \$454,270 received from Thomas Built Bus for the Courtesy Road Improvements and approve a Construction and Access Agreement (MOU) for the project improvements to the Thomas Built Bus property.

Randy McCaslin, Deputy City Manager, advised this is the budget amendment and the Memorandum of Understanding for the Courtesy Road Improvement project that is being done as a partnership between the City of High Point and Thomas Built Bus.

Adopted an ordinance amending the 2016-2017 Annual Budget appropriating funds in the amount of \$454,270 received from Thomas Built Bus for the Courtesy Road Improvements, and approved a Construction and Access Agreement (MOU) for the improvements to the Thomas Built Bus property.

Ordinance No. 7295/17-37

Introduced 5/15/2017; Adopted 5/15/2017

Ordinance Book, Volume XIX, Page 178

A motion was made by Council Member J. Davis, seconded by Council Member C. Davis, that the Budget Ordinance Amendment and the Memorandum of Understanding (Construction and Access Agreement) from Thomas Built Bus for the Courtesy Road improvements be approved/adopted. The motion carried by the following 9-0 vote:

170152

Ordinance - Budget Amendment - Little Red Schoolhouse

Council is requested to adopt an ordinance amending the 2016-2017 Annual Budget to appropriate funds in the amount of \$47,875.00 to recognize funds received from the High Point Historical Society for the Little Red School House Relocation/Renovation Project.

Eric Olmedo, Budget and Administrative Director, explained this ordinance appropriates the remaining \$47,875.00 received from the High Point Historical Society for the Little Red School House Relocation/Renovation project. Last year, the City Council agreed to move and renovate the Little Red School House and the city earmarked \$95,750.00 with an agreement by the Historical Society to fund the same matching amount. This will mark the final amount for the match.

Adopted an ordinance amending the 2016-2017 Annual Budget to appropriate funds in the amount of \$47,875.00 recognizing funds received from the High Point Historical Society for the Little Red School House Relocation/Renovation Project.

Ordinance No. 7296/17-38

Introduced 5/15/2017; Adopted 5/15/2017

Ordinance Book, Volume XIX, Page 179

A motion was made by Council Member J. Davis, seconded by Council Member Alexander, that the Budget Ordinance Amendment for the Little Red Schoolhouse be adopted. The motion carried by the following 9-0 vote:

[170153](#)**Ordinance - Budget Amendment - Senior Center Bus**

Council is requested to adopt an ordinance amending the 2016-2017 Annual Budget to appropriate donated funds in the amount of \$31,000 for the replacement of the Senior Center Bus.

Eric Olmedo, Budget and Administrative Director, noted as mentioned previously, the Culler family has generously donated \$31,000, which is half the cost to pay for the new bus for the Senior Center. The Budget Ordinance Amendment depicts a total of \$62,000 for the purchase of this bus.

Council Member J. Davis MOVED adoption of the ordinance amending the 2016-2017 Annual Budget appropriating donated funds in the amount of \$31,000 for the replacement of the Senior Center bus. Mayor Pro Tem Wagner made a second.

For further discussion, Council Member C. Davis stated that while she was really moved by the fact that Mr. Culler donated these funds, she was heartbroken in regards to the fact that the city had not already taken care of purchasing the much needed bus prior to his making the donation. She felt the responsibility lies with the city to provide the transportation needed at the Senior Center. She explained that she would vote in favor of receipt of these dollars, but would like the city to consider refunding the Cullers their money.

There being no further discussion, the MOTION carried unanimously by a 9-0 vote as follows:

Adopted ordinance amending the 2016-2017 Annual Budget appropriating donated funds in the amount of \$31,000 for the replacement of the Senior Center bus.

Ordinance No. 7297/17-39**Introduced 5/15/2017; Adopted 5/15/2017****Ordinance Book, Volume XIX, Page 180**

A motion was made by Council Member J. Davis, seconded by Mayor Pro Tem Wagner, that the Budget Ordinance Amendment for the replacement of the Senior Center Bus be adopted. The motion carried by the following 9-0 vote:

**COMMUNITY HOUSING, NEIGHBORHOOD DEVELOPMENT AND PUBLIC
SAFETY COMMITTEE - Council Member Golden, Chair**
Committee Members: Golden, Alexander, Ewing and Williams

[170154](#)**Small Builders Incentive Program**

Council is requested to approve the Small Builders Incentive Program pilot program establishing funding to encourage private participation in the restoration of existing housing or new development in areas of greatest need as defined by the Housing Market Segmentation Study.

Mike McNair, Director of Community Housing and Neighborhood Development, explained this program is designed to encourage small builders and private sector participation in either restoring existing housing or building new housing in areas of extreme need in the Core City. The idea came about as a result of

the Center for Community Progress study and staff sort of combined this program with the former Infill program from years ago.

Mayor Pro Tem Wagner inquired about when the incentive would actually be paid out. Mr. McNair explained the idea is to put the city in a secure position so the money comes out at the end, rather than the beginning, which makes it a little more performance based.

Council Member J. Davis advised that he took advantage of a similar infill housing program the city was offering in the late 1990s, early 2000s and he would like to see the proposed policy incorporate some of the same language from the other program such as:

Requirement that the house had to be all electric and on the city's electric grid
Once the Certificate of Occupancy is issued, give the builder the money

Mr. McNair stated he would argue over these points because the idea was to sort of ensure that the city got the desired outcome of adding new construction in the Core and felt that at the Certificate of Occupancy state, they would have the ability to at least see the product. Council Member Golden noted it was not always cheaper to have electrical versus gas the expressed concerns that it would put extra costs on the people. Council Member J. Davis explained people want all electric because they do not want to have to pay two different deposits for gas and electric. Council Member Williams pointed out because of the age of most of the homes being rehabilitated, it would limit and restrict some of the homes that are not able to switch over to electric for whatever reason. Council Member Ewing agreed that with the older homes, it could prove to be cost prohibitive to force and require it to be all electric. Council Member J. Davis felt since the infrastructure is already in place and if they pull a building permit or an electric permit, then they would have to upgrade their system. He felt this would be an incentive to give back to the city and the city would recover that cost.

Council Member C. Davis expressed concerns that the program calls for three bedroom/2 bath homes to be built and she felt there are greater needs for two bedroom/two bath or even one bedroom/one bath homes for retired people, college students, etc.....who want smaller homes. She advised that she also spoke with Ed Terry with the High Point Realtors and he had expressed some of the same concerns. She noted if the goal is still to build three bedroom/two bath homes, she would not be supporting it. Mr. McNair pointed out the marketplace is three bedroom/two bath homes and that not a lot of seniors are looking to do a 30-year mortgage. Council Member C. Davis interjected and stated it was not about a 30-year mortgage; it's more about a transition and went on to add that this is the kind of thing that the smart growth seminars have been addressing. As a builder, Council Member J. Davis indicated that he would agree with the three bedroom/2 bath homes to be built, but acknowledged that a rehab home might be different.

Council Member C. Davis asked Council Member J. Davis if he was asked to build a one bedroom/one bath home would he do so and Council Member J. Davis replied that he would build one if asked, but he would also know that he would not be getting any incentive money back from the city. Mayor Pro Tem Wagner pointed out there is a big difference between a custom-built house and a spec house. Council Member C. Davis noted the city has spent a lot of resources on the Smart Growth training for staff over the last seven years and she felt the smart growth direction was being ignored.

Council Member Williams referenced the questions and concerns voiced by Council Member J. Davis and noted that he could support moving into requiring the homes to be all electric, but asked if it might be possible to at least consider still working with homes that have gas in the case that there is no interest. Council Member J. Davis explained it is all incentive based so they might not qualify for as much as they could have if they did it all electric.

Council Member Alexander noted the all electric is not mentioned in the reimbursement expenses and pointed out reimbursement expenses are for land acquisition, building permits, site preparation, water/sewer tap, construction loan interest, driveway and curb cut, driveway and landscaping and rehab costs. He further stated that the total incentive to the builder is limited to only \$15,000. Council Member J. Davis felt the policy needed to be tweaked and felt the city was missing out because of the city being an electric provider in the past. Because of the emphasis on energy efficiency, Council Member Ewing questioned how much would actually be recouped if someone decides to put in a high efficiency electric water heater.

Mayor Pro Tem Wagner pointed out while the goal is to get infill development, once a Certificate of Occupancy has been issued, this has been accomplished and he assumed the city would want to pursue home ownership as well. Mr. McNair explained staff is merely responding to Council's priorities and Council has given staff direction to focus on home ownership. Council Member C. Davis felt the city was missing out on a much needed market for other entities. Council Member Ewing stated while he would like to see these be owner occupied, if the city is getting a full rehabbed property that is fully permitted and done right, the infill side of the goal is accomplished. Mr. McNair added there are other resources being directed to these areas such as Operation In As Much and property code enforcement and pointed out this program would be an additional tool in their efforts to turn the tide in these neighborhoods,

Council Member Ewing mentioned that he had attended a couple of realtor's meetings since the last Community Housing Neighborhood Development & Public Safety Committee Meeting and everyone seemed to be very open to this concept and expressed an interest in seeing what the target areas would be. He felt it is a good time to bring a program like this back given the status of the housing market.

Approved the Small Builders Incentive Program establishing funding to encourage private participation in the restoration of existing or new development in areas of greatest need as defined by the Housing Market Segmentation Study.

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member Ewing, to approve the Small Builders Incentive Pilot Program. The motion carried by the following 8-1 vote:

170161

Resolution - Regulation of Abandoned and Junked Motor Vehicles Ordinance

Council is requested to adopt a Resolution for implementation of the Regulation of Abandoned and Junked Motor Vehicles Ordinance to become effective May 15, 2017.

City Attorney JoAnne Carlyle distributed a summary of the new proposed Junked Motor Vehicle Ordinance. She advised that the newly proposed ordinance follows the guidelines/processes as set out in the State Statute and noted that the city would be able to prohibit junked and abandoned cars on public streets, private property and public property. She further explained that there are certain restrictions that the city must adhere to regarding vehicles on private property, which requires:

Written request of the occupant of the property or the lessee

Also includes a requirement for indemnification in the case that someone would be giving the city authority to remove something and had falsified documents which resulted in some sort of damages against the city

Ms. Carlyle advised the definition of an "abandoned" vehicle does not take into consideration the value of the vehicle, whereas the junked motor vehicle has to be at least 5 years old and valued at less than \$500. She referenced the asterick* that states "all junked vehicles are abandoned, but not all abandoned vehicles are junked" and further clarified that if a vehicle is declared as a junked vehicle, it must meet all of the bulleted items listed under the abandoned definition.

Additionally, there is also a definition and some qualifications as a nuisance vehicle that will not only fall under the nuisance ordinance, but the language has been beefed up so it can be better enforced. Ms. Carlyle also pointed out the ordinance did, by law, have to include a prohibition against removing or disposing of vehicles that are used on a regular basis for either business or personal use, some of which is going to require some monitoring by staff that is charged with enforcement of the ordinance.

Council Member Golden asked who would be assessing the value of these vehicles. Ms. Carlyle advised it would be completely up to the code official that is enforcing the regulations in the ordinance. She noted another requirement that was not in the prior ordinance is the city would have to set up both Notice and Due Process, which is a hearing for the individual to determine whether or not there has been a probable cause.

Council Member J. Davis questioned how it would be determined if a car has been on private property for more than two hours. Ms. Carlyle advised that the owner of the property, occupant or the lessee would be required to sign a statement that they want the vehicle towed and that the vehicle has been there for more than two hours. She pointed out this is the reason for requiring the indemnification.

Council Member Ewing asked how the fines would be assessed for rental properties. Ms. Carlyle explained staff would try to identify and give notice to the actual owner of the vehicle and if there is no way to identify the owner, then steps are in place that would require posting on the windshield of the vehicle. After the vehicle has been posted for ten days, it can be towed and

depending on the value can either be sold or disposed of. She advised that her staff has drafted some forms that would be used that would be implemented to make sure this runs as smoothly as possible. She stated that the Community Development staff would be working with a rotation contract for the towing and may even tag onto what the Police Department already has.

Council Member Ewing asked if this rewrite of the ordinance has a more aggressive enforcement structure and if the staff felt comfortable in being able to accomplish the goals set forth. Lori Loosemore, Local Codes Enforcement Supervisor, replied that it certainly would because staff cannot do anything about the junked vehicles and the proposed ordinance would authorize them to tag the vehicles, send notification that if the vehicle is not moved, then it would be towed. Council Member C. Davis asked Ms. Loosemore if her staff would feel qualified to determine the value of the vehicles. Ms. Loosemore advised that although she is not a mechanic, the criteria set forth in the ordinance would enhance staff's ability to do this. For the sake of those in the audience who are interested in how the process would work, Council Member C. Davis asked Ms. Loosemore to provide an example of how staff would approach an owner. In an ideal world, Ms. Loosemore advised staff would do the following:

Ask if the vehicle runs

If it does run, ask that it be demonstrated because one of the requirements is that it has to propel (move on its own)

Ask them to move it, start it and move it forwards and backwards

Ms. Loosemore added that it could not be dismantled or wrecked and has to have the tires, the motor, no broken out windows, etc.... She added that they have Due Process and would be given an opportunity to claim the car should the car be towed. Council Member C. Davis asked if this proposed ordinance would also apply to the vehicles that have been abandoned on the road sides. Ms. Carlyle advised that the Police Department usually tags these vehicles, but staff would also have the authority through the proposed ordinance similar to what the law enforcement officers do and although it is not the same law, it would still cover a portion.

Adopted a Resolution for Implementation of the Regulation of Abandoned and Junked Motor Vehicles Ordinance to be effective upon adoption.

Resolution No. 1666/17-13

Introduced 5/15/2017; Adopted 5/15/2017

Resolution Book, XIX, Page 135

Ordinance No. 7298/17-40

Introduced 5/15/2017; Adopted 5/15/2017

Ordinance Book, Volume XIX, Page 181

A motion was made by Council Member Golden, seconded by Council Member Williams, to Adopt a Resolution for implementation of the Regulation of Abandoned and Junked Motor Vehicles Ordinance to become effective May 15, 2017). The motion carried by the following 9-0 vote:

160330

Ordinance - Demolition of Structure - 512 Hines Street

Council is requested to adopt an ordinance requiring the building inspector to effectuate the demolition of a structure located at 512 Hines Street belonging to Eliseo Zavala. (At the November 7, 2016 meeting this item was deferred to the December 5, 2016 Council Meeting. At the December 5, 2016 Council Meeting, Council deferred this item for 60 days or until the February 6, 2017 Council Meeting. At the February 6th Council

Meeting, item was placed back in pending. At the May 1, 2017 meeting this item was continued to the May 15, 2017 meeting. At the May 15th Council Meeting this item was deferred for 45 days). At the June 5th meeting item was deferred pending receipt of the executed Supplemental Order from the property owner.

Chairman Golden asked City Attorney JoAnne Carlyle to report on the research she was asked with as to the city's legal authority.

Ms. Carlyle advised the question came up during the last Council Meeting as to whether or not someone that has an outstanding building permit by law has a right to continue building no matter how slowly things were progressing versus the city's authority to enforce the Minimum Housing Code. She noted without a doubt, the Minimum Housing Code trumps the building permit. She based this on advice she solicited from the Department of Insurance and Tyler Mulligan with the School of Government.

She felt that once the Minimum Housing Ordinance is in place, it would take care of the cases coming to Council that are questionable and it would be assured that Ms. Loosemore would be thoroughly vetting the cases that she has that are coming to Council more closely and will be able to make a stronger recommendation as to whether or not they should be demolished. Additionally, staff will really focus on the appeal process. She advised that they have a right to appeal the inspector's order when it is issued and they can appeal it through the Board of Adjustment or directly from the building inspector to Superior Court. Ms. Carlyle advised that the prior ordinance referenced a housing board that was never created, and also referenced a secretary of a commission or a commissioner, and it was uncertain as to what that actually is.

With that being said, Chairman Golden asked Ms. Loosemore to continue with the update for 512 Hines Street.

Ms. Loosemore advised that this case was continued from the May 1st meeting. Since that time, the inspector has conducted two additional inspections on May 9th:

- a building insulation; and
- a framing inspection

Ms. Loosemore reported that both of these were partial inspections, but Mr. Zavala did move forward and put some insulation down and started to do a little more work. There have been no additional inspections since May 9th and Ms. Loosemore noted she has not heard from the property owner. She advised after conversations with City Attorney JoAnne Carlyle and Reggie Hucks, Building Administrator, it was decided that a Supplemental Order would be drafted giving the property owner, Mr. Zavala the following timeline to complete the improvements:

Within the next 45 days (by August 14th), all final inspections have to be completed and passed

Since the property owner is not present at tonight's meeting, the agreement will be drafted by the Legal department and given to Mr. Zavala and has long as he is in agreement with it, then there should not be any problems and the work should be completed by August 14th. However if he does not comply and does not meet the benchmark to have this work done by June 29th, staff will bring it back to Council. Ms. Carlyle explained the Supplemental Order is a new document that would make everything cleaner.

Ms. Loosemore suggested continuing this matter for an additional 30 days in an effort to give staff time to draft the order and send it to the property owner for consideration and it could be brought back to Council or put back in pending if it is determined that enough progress is being made. k

Continued this matter for 30 additional Days.

A motion was made by Council Member Ewing, seconded by Mayor Pro Tem Wagner, that this matter be deferred to the City Council, due back on 6/19/2017. The motion carried by the following 9-0 vote:

PENDING ITEMS

[170141](#)

Public Hearing - Minimum Housing Ordinance

Monday, May 1, 2017 is the date and time established to receive public comment on the City of High Point Minimum House Ordinance and at the close of the public hearing Council is requested to adopt the ordinance amending the City of High Point Minimum Housing Code. At the May 1st Council Meeting, this item was deferred to the June 5th Council Meeting.

[170103](#)

Ordinance - Demolition of Structure - 613 Manley Street

Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a structure located at 613 Manley Street belonging to Joshua and Sarah Stahl.

PLANNING & DEVELOPMENT COMMITTEE - Mayor Pro Tem Wagner, Chair **Committee Members: Wagner, J. Davis, C. Davis and Williams?????**

[170155](#)

Resolution of Intent - Street Abandonment Case 17-01

Approval of a Resolution of Intent that establishes a public hearing date of Monday, June 19, 2017 at 5:30 p.m. to consider a request by Mr. Ghulam Khan to abandon excess right-of-way lying at the southwest corner of S. Main Street and Kendall Avenue.

Adopted a Resolution of Intent establishing a public hearing date of Monday, June 19, 2017 at 5:30 p.m. to consider a request to abandon excess right-of-way lying at the southwest corner of S. Main Street and Kendall Avenue.

Resolution No. 1667/17-14**Introduced 5/15/2017; Adopted 5/15/2017****Resolution Book, XIX, Page 136**

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member Alexander, that this Resolution of Intent be adopted. The motion carried by the following 9-0 vote:

[170156](#)**High Point University - Right-of-Way Encroachment RE-17-0003**

A right-of-way encroachment request by High Point University for a proposed wrought-iron fence with brick columns that will encroach approximately 10 feet within an unopened section of the Fifth Street right-of-way.

Justin Westbrook with Planning and Development explained this is a request by High Point University for a proposed wrought iron fence with brick columns that will encroach approximately 10 feet within an unopened section of the Fifth Street right-of-way. He noted this is in line with a Memorandum of Understanding that was previously approved for the Greenway in this area. He entertained any questions and noted Barry Kitley with High Point University was also present to answer any questions.

Chairman Wagner questioned why the right-of-way was not being closed in its entirety. Deputy City Manager Randy McCaslin advised this is in keeping with the existing Memorandum of Understanding and this might be something that Council very well may see in the future.

Chairman Wagner asked if there were any questions for staff or for Mr. Kitley.

Council Member C. Davis asked Mr. Kitley if the fence would be a permanent placement and Mr. Kitley replied that it would. Council Member C. Davis then questioned why a lease or a purchase for this area by the university was not considered since it involves something with permanent placement on city property.

Mr. McCaslin explained this property was designated as a park when the subdivision to the north was created with the Greenway going through the middle. He noted that there has been no discussion regarding selling it, but pointed out per the Memorandum of Understanding, High Point University would assume responsibility of the maintenance of the greenway and park area. Council Member C. Davis asked again about the possibility of a lease for the property. Mr. McCaslin advised that per the Memorandum of Understanding, High Point University is being allowed to use the property in exchange for their agreement to provide maintenance.

Approved Right-of-Way Encroachment RE-17-0003 by High Point University for a proposed wrought iron fence with brick columns that will encroach approximately 10 feet within an unopened section of the Fifth Street right-of-way.

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member Alexander,

that this Right-of-Way Encroachment be approved. The motion carried by the following 8-1 vote:

PUBLIC HEARINGS

[170157](#)

Ordinance - North Carolina State Employees Credit Union - Zoning Map Amendment 17-03

A request by the North Carolina State Employees Credit Union to rezone approximately 4.2-acres from the Office Institutional (OI) District to a Conditional Zoning Limited Business (CZ-LB) District. The site is lying along the west side of Westchester Drive, approximately 430 feet south of Chestnut Drive (1638 Westchester Drive). (At the request of the petitioner, this item was deferred at the May 15, 2017 meeting.)

Clint Cogburn, Attorney with Tuggle Duggins Law Firm located at 100 Green Street in downtown Greensboro, representing the applicant, requested this matter be continued to the June 19, 2017 City Council Meeting. He explained they had something relatively minor to come up in the last couple of days and believed it would be resolved by the June 19th meeting.

Continued the matter to the June 19 2017 City Council Meeting at 5:30 p.m.

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member Davis, that Zoning Map Amendment 17-03 be continued to June 19, 2017 at 5:30 p.m. The motion carried by the following 9-0 vote:

[170158](#)

Ordinance - Ilderton Dodge-Chrysler-Jeep-Ram - Text Amendment 17-03

A request by Ilderton Dodge-Chrysler-Jeep-Ram to amend the City of High Point Development Ordinance, Section 5.7. *Signage*, pertaining to freestanding signs in Sub-District C of the Main Street (MS) District.

Bob Robbins with Planning and Development explained this is a request by Ilderton Dodge-Chrysler-Jeep-Ram to amend the City of High Point Development Ordinance, Section 5.7 Signage, pertaining to freestanding signs in Sub-District C of the Main Street (MS) District. He explained it has to do with the height in the area of freestanding signs in Sub-District C of the Main Street District. Sub- District C is located along both sides of S. Main Street, south of the Central Business District beginning at Grimes Avenue, continuing south to Market Center Drive. Most of the area contains a mixture of retail and service-type uses, which continue to be primarily auto oriented with the exception of the GTCC campus.

Mr. Robbins reported there are many non-conforming freestanding signs in Sub District C that have been continually in use that are in varying states of repair. The current height restriction for freestanding signs in this area is only 8 feet with a maximum area of 75 sq. ft.; the applicant is requesting the height be increased to 15 feet and the sign area increased to 150 sq. ft. because of an issue with height regarding their display of vehicles. Mr. Robbins pointed out this would be the same as the requirements already established in Sub-District A and Sub-District D of the Main Street District, with Sub-District B having the most stringent requirements.

The Planning & Zoning Commission reviewed this amendment at their April 25th Meeting and voted 5-0 in support. Staff also supports the amendment and feels it is not unreasonable given the signage limitations in Sub-District A and Sub-District D and it does not exceed them. Additionally staff finds it reasonable given that many of the businesses in Sub District C continue to be auto-oriented and therefore there is somewhat of a need for a little bit more signage that is visible to automobile traffic.

At this time, Chairman Wagner asked the applicant to come forward.

Steve Ilderton, asked Council for positive consideration of their request. He explained Ilderton has expanded their footprint and made several improvements to their property and they believe this would help with marketability of their company. He recognized Joe Rickman, who was present and could ask any technical questions regarding the request.

Chairman Wagner then opened the public hearing and asked if there was anyone else present who would like to speak. There being no further comments, the public hearing was closed.

Adopted Ordinance amending the City of High Point Development Ordinance, Section 5.7 Signage, pertaining to freestanding signs in Sub-District C of the Main Street (MS) District based on consistency with the City's Land Use Plan and findings as outlined in the staff report. Additionally Council finds that the request is reasonable and in the public interest because: 1) the changes would assist businesses; 2) the changes are not unreasonable and match the height and area requirements of Sub-Districts A and D.

Ordinance No. 7299/17-41

Introduced 5/15/2017; Adopted 5/15/2017

Ordinance Book, Volume XIX, Page 182

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member J. Davis, that this Ordinance approving Text Amendment 17-03 be adopted. The motion carried by the following 9-0 vote:

GENERAL BUSINESS AGENDA

170159

Appointment - Community Member - CDC Development Corporation

Council is requested to appoint a community member to the Core City Community Development Corporation.

Assistant City Manager Randy Hemann advised Council voted to create a Community Development Corporation several months ago and they are in the process of incorporating it and finishing up the By-Laws, and working on the required IRS 1023 form for non-profits. He reminded Council that one of the board members needs to be an appointee by City Council as a community designee, a person from the community that has interest in this work.

Council Member C. Davis commented a name was not supplied in the packet and she was anxiously awaiting the name of the person being considered for appointment. Council Member Golden stated the name he received was Mr. Donald Belton and asked Mr. Belton to please stand. Council Member Golden shared that Mr. Belton is quite active in the community and he actually met him while doing work out in the community.

Approved the appointment of Donald Belton as the Council's community member designee to the Core City Community Development Corporation.

A motion was made by Council Member Golden, seconded by Council Member Williams, that this appointment be approved. The motion carried by the following 9-0 vote:

Direction to Staff to Prepare Budget Documents to be Considered at the June 5, 2017 Meeting

Council Member Alexander moved to suspend the rules. Council Member J.

Davis asked for what purpose. Council Member Alexander replied that Council has had the public hearing on the proposed budget as well as two budget work sessions and since there have been no changes offered or objections made, he would like to direct staff to prepare the documents for the proposed budget to be considered at the June 5th meeting.

Council Member Wagner made a SECOND to the MOTION to suspend the rules. The motion carried by an 8-1 vote as follows:

Aye: Mayor Bencini; Mayor Pro Tem Wagner; and Council Members Alexander, Golden, Williams, Hill, J. Davis and Ewing.

Nay: Council Member C. Davis

At this time, Council Member Alexander MOVED to direct staff to prepare all documents for the FY 2017-2018 Proposed Budget for Council's consideration at the June 5, 2017 Meeting. Mayor Bencini made a second to the MOTION.

The MOTION CARRIED by a 5-4 vote as follows:

Aye: Mayor Bencini; Mayor Pro Tem Wagner; and Council Members Alexander, Hill and Williams

Nay: Council Members C. Davis, Golden, J. Davis and Ewing

[170160](#)

Minutes to Be Approved

Finance Committee Meeting, Wednesday, April 26th @ 4:00 p.m.

Manager's Briefing; Monday, May 1st @ 3:30 p.m.

City Council Meeting; Monday, May 1st @ 5:30 p.m.

Community Housing, Neighborhood Development & Public Safety Committee;
Tuesday, May 2nd @ 10:00 a.m.

Approved the preceding minutes as submitted.

A motion was made by Council Member Davis, seconded by Mayor Pro Tem Wagner, that the preceding minutes be approved. The motion carried by the following 9-0 vote:

ADJOURNMENT

Upon motion duly made and seconded, the meeting adjourned at 7:05 p.m.

Respectfully Submitted,

William S. Bencini, Jr., Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk